

IN THE UNITED STATES NORTHERN
DISTRICT COURT FOR CALIFORNIA

FILED
FEB 27 PM 1:28
RICHARD J. BRYAN
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
CASE NUMBER 3

IN THE CASE OF:
MICHAEL LYNN WATERS
PLAINTIFF,
V.
A.W. COOK
DEFENDANT(S).

C 07 4683 CRB

* C 06 6375 CRB *

" EMERGENCY/REQUEST "

"
RETURN STAMPED
ENVELOPE ATTACHED
PLAINTIFF "DON'T" NEED THE
OTHER EXHIBITS - JUST THE
602/DIRECTOR'S REVIEW.

MOTION FOR PERMISSION
TO RECEIVE THE ORIGINAL
602 AND) DEPARTMENT OF
CORRECTIONS - DIRECTOR'S
REVIEW ATTACHED FOR THE
NOW PENDING CASE TO
RESUBMIT/REPRODUCE AND)
SUPPORT MY EXHAUSTION TO
THE HIGHEST APPEAL THAT WAS
AVAILABLE

IN PRO SE:

MICHAEL LYNN WATERS
P-16171 A-1-208
PELICAN BAY STATE PRISON
P.O. BOX 7500
CRESCENT CITY, CALIFORNIA
95532

MEMORANDUM IN SUPPORT OF THIS REQUEST

PLAINTIFF CONTENTS HERE THAT UNDER CASE NUMBER: (C 06-6375-CRB (PR)) HE PRESENTED A MOTION TO PRESENT THE REQUESTED EXHAUSTION IN PLAINTIFF'S CASES - ENTERED IN CIVIL DOCKET (10/23/06).

FURTHER, THIS MOTION IN THE CASE NO: (C 06-6375-CRB) CONTAIN THE ORIGINAL (202-AND) DIRECTORS REVIEW. IN WHICH IS RELATED NOW TO CASE NO: (C 07-4683-CRB (PR))

FILED (JAN 11, 2008)

(ORDER GRANTING LEAVE TO PROCEED IN FORMA PAUPERIS)

AND

(ORDER OF SERVICE)

DIRECTING THE DEFENDANTS TO ANSWER (NO LATER THAN "90" DAYS)

"HOWEVER"

STATING ON (PAGE: 4) (LINES: 12-17)

PLAINTIFF IS ALSO ADVISED THAT A MOTION TO DISMISS FOR FAILURE TO (EXHAUST) ADMINISTRATIVE REMEDIES UNDER (42 U.S.C. § 1997e(a)) WILL, IF GRANTED, END YOUR CASE, ALBEIT WITHOUT PREJUDICE YOU MUST "DEVELOP A RECORD" AND PRESENT IT IN YOUR OPPOSITION IN ORDER TO DISPUTE ANY "FACTUAL RECORD" PRESENTED BY THE DEFENDANTS IN THEIR MOTION TO DISMISS. (WYATT V. TERHUNE, 315 F.3d, 1108, 1120 n.14 (9TH CIR. 2003).

PLAINTIFF STATES THAT HE HAD TO SEND HIS ORIGINAL 202/DIRECTOR'S REVIEW FOR REASONS BEYOND HIS CONTROL.

PROOF OF SERVICE

I, MICHAEL LYNN WATERS, HEREBY CERTIFY THAT I AM OVER THE AGE OF (18) YEARS AND A PARTY TO THE WITHIN ACTION. ON, 2/24/08, I SERVED THE ATTACHED DOCUMENT ON THE LISTED PARTY BELOW BY PLACING SAID DOCUMENT IN THE U.S. MAIL HERE AT: PELICAN ~~STATE~~ BAY STATE PRISON - P.O. BOX 7500 - CRESCENT CITY, CALIFORNIA 95532.

U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
U.S. DISTRICT COURTHOUSE
450 GOLDEN GATE AVE, 12TH FLOOR
SAN FRANCISCO, CALIFORNIA
94102

I DECLARE UNDER THE PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT:

2/24/08
DATE:

Michael Lynn Waters
SIGNATURE

MICHAEL LYNN WATERS # P-12171
A-1-208
PELICAN BAY STATE PRISON
P.O. BOX 7500
CRESCENT CITY, CALIFORNIA
95532

PELICAN BAY STATE PRISON
5905 Lake Earl Dr
Crescent City CA 95532



MAILED FROM ZIP CODE 95531

OFFICE OF THE "CLERK"
NORTHERN DISTRICT OF CALIFORNIA
U.S. DISTRICT COURTHOUSE
450 GOLDEN GATE AVE, 16TH FLOOR
SAN FRANCISCO, CALIFORNIA 94102

"EMERGENCY - REQUEST"

9410213661 0004

